

**MARK B. FROST & ASSOCIATES**  
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**Attorneys for Plaintiff**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSHUA TAYLOR,**

**Plaintiff**

**VS.**

**LARRY SHIELDS,**

**Defendant.**

**CIVIL ACTION  
NO. 13-2241**

**PLAINTIFF'S OBJECTIONS  
TO DEFENDANT'S  
BILL OF COSTS**

## I. PROCEDURAL HISTORY

The instant action arises out of the April 25, 2011 shooting of Plaintiff Joshua Taylor by Defendant Larry Shields, an off-duty Philadelphia Police Officer, which occurred in Taylor's home and was witnessed by Taylor's family: his fiancé Brittney Taylor (nee Britton) and their two young children, Zachary and Briana Taylor.

The initial complaint was filed on April 25, 2013, on behalf of Joshua Taylor, Brittney Taylor, Zachary Taylor and Briana Taylor, against the City of Philadelphia and Officer Shields. The gravamen of the Complaint was that Shields used excessive force on Taylor. After discovery, various claims were dismissed. The only claim to proceed to trial was the excessive force claim by Joshua Taylor against Larry Shields under 42 USC 1983.

The case was tried in November of 2016, to a verdict for Defendant Shields. Plaintiff filed a timely post-trial motion, which was denied on June 19, 2017. Plaintiff filed a Notice of Appeal on July 5, 2017.

On July 10, 2017, Defendant filed a bill of costs.

## **II. LEGAL ANALYSIS**

### **a. An Award of Costs Against Plaintiff Would Be Unjust and Extreme, Particularly Since This Matter Is Currently On Appeal**

An award of costs against Plaintiff would be unjust and extreme, and is premature at this stage. The matter is currently under appeal to the Third Circuit Court of Appeals. If costs were to be assessed now, and Plaintiff was to later prevail on an appeal, the payment of costs would be reversed. Moreover, should Plaintiff ultimately win at trial after winning on appeal, then it would be *Plaintiff* who would be entitled to costs and fees under 42 USC 1988. See *Hogan v. Raymond Corp.*, No. 10-846, 2014 WL 292170 (W.D. Pa. Jan. 27, 2014) (explaining that the Clerk of Court had deferred consideration of bill of costs until after the disposition of plaintiff's appeal).

Moreover, Plaintiff is a private citizen, and one who was severely injured as a result of the injuries suffered here. See, ECF 1. He has a family, reduced ability to work, and permanent physical injuries. It is simply unreasonable to expect Mr. Taylor to reimburse the City of Philadelphia for \$1,591.93 in costs, especially *while the case is pending*.

Further, the City of Philadelphia is a public entity, maintaining its own law department and in-house counsel, with the clear ability to incur typical costs of litigation. For the City of Philadelphia to obtain thousands of dollars in costs – especially given the factual and procedural circumstances described above – would be unjust. Therefore, even if the costs incurred by the City – or any portion thereof – are typically recoverable, the Defendant's Bill of Costs should still

nonetheless be denied. At a minimum, the bill of costs should be denied without prejudice to either party's rights following a decision on appeal.

## **II. CONCLUSION**

For the reasons set forth above, Defendant's Bill of Costs must be denied.

**MARK B. FROST & ASSOCIATES**

BY: /s/ Ryan Lockman  
Ryan Lockman, Esquire  
*Counsel for Plaintiff*

Dated: July 24, 2017

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## ORDER

AND NOW on this \_\_\_\_\_ day of \_\_\_\_\_ 2017, it is hereby ordered that Defendant's Bill of Costs is DENIED.

J.

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**JOSHUA TAYLOR,**

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**vs.**

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**CERTIFICATE OF SERVICE**

I, Ryan Lockman, Esquire, hereby certify that on the below date, Plaintiff's Objections to Defendant's Bill of Costs were served upon all parties via ECF.

**MARK B. FROST & ASSOCIATES**

BY: /s/ Ryan Lockman  
Ryan Lockman, Esquire  
*Counsel for Plaintiff*

Dated: July 24, 2017